

ORDINANCE NO. 2013-0021

Adopted by the Sacramento City Council

September 17, 2013

AN ORDINANCE AMENDING VARIOUS SECTIONS IN TITLES 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, AND 18, AND REPEALING VARIOUS SECTIONS IN CHAPTER 16.40, OF THE SACRAMENTO CITY CODE, RELATING TO PLANNING AND DEVELOPMENT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection C.2.b of section 1.28.010 of the Sacramento City Code is amended to read as follows:

All violations of the city charter and other codes or ordinances adopted by the city, including, but not limited to, the Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 1.28.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 2. Section 2.36.050 of the Sacramento City Code is amended to read as follows:

2.36.050 Zoning administrator.

The director of planning and development shall designate an employee of the planning division to serve as zoning administrator. The zoning administrator shall perform such duties and responsibilities as specified in the Planning and Development Code, other provisions of this code, or other city laws or regulations. The zoning administrator may adopt such rules, regulations and procedures as are necessary for the conduct of business.

SECTION 3. Section 2.60.070 of the Sacramento City Code is amended to read as follows:

2.60.070 Powers and duties.

The planning and design commission shall have the necessary powers and duties to carry out the State Planning and Zoning Law (Government Code Section 65000 et seq.), subject to the provisions of this code, including, but not limited to, the following:

A. Chapter 2.112 relating to city planning;

B. Title 16 relating to subdivisions;

C. Planning and Development Code relating to zoning and design review;

D. Recommend to the city council policies and programs in support of the urban design program established under the Planning and Development Code, including, but not limited to, urban design policies appropriate for inclusion in the general plan and other regulatory plans and programs of the city;

E. Evaluate and submit comments and recommendations on proposed plans, public and private development projects, and environmental reviews that are not subject to review under chapter 17.808 and that may affect the physical development of and urban design in the city, in coordination with the review and action by the city council, or other public agencies on the plan, project or environmental review.

SECTION 4.

A. Subsection A of Section 3.76.040 of the Sacramento City Code is amended to read as follows:

A. Sidewalk cafés are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 3.76.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 5.

A. Subsection A of section 5.32.200 of the Sacramento City Code is amended to read as follows:

A. If any section, subdivision, section, clause, phrase or portion of this chapter conflicts with any section, subdivision, clause, phrase or portion of an express provision of the Planning and Development Code of the city, or conditions of a use permit or other permit issued pursuant thereto, or other administrative approvals issued under the Planning and Development Code, the conditions of the use or other conditional permit under the Planning and Development Code or the administrative approvals issued under the Planning and Development Code shall prevail.

B. Except as specifically amended by subsection A, above, all provisions of section 5.32.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 6.

A. Subsection B of section 5.68.190 of the Sacramento City Code is amended to read as follows:

B. Notwithstanding subsection A of section 17.608.030, the operation of food vending vehicles shall be allowed on parking facilities, subject to the following restrictions:

1. The food vending vehicle shall not occupy or block any parking spaces required for the primary use of the parcel as determined pursuant to chapter 17.608; and

2. The operation of the food vending vehicle shall comply with all other provisions of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 7. Section 5.68.240 of the Sacramento City Code is amended to read as follows:

5.68.240 Private property – Stand-alone parking facilities.

Notwithstanding any other provision of this code to the contrary, food vending vehicles shall not be operated in a stand-alone parking facility as described in section 17.108.200 .

SECTION 8.

A. Subsection A of section 5.68.250 of the Sacramento City Code is amended to read as follows:

A. The operation of a food vending vehicle on private property shall be exempt from sections 5.68.210, 5.68.220 and chapter 17.232 of this code until January 1, 2018, if the food vending vehicle permittee has an established operation on private property.

B. Except as specifically amended by subsection A, above, all provisions of section 5.68.250 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 9. Section 5.80.070 of the Sacramento City Code is amended to read as follows:

5.80.070 Location of business.

It is unlawful for a person to conduct or operate a business mentioned in Section 5.80.010 of this chapter except in the location specified in the permit. A business for which a permit must be obtained and maintained pursuant to this chapter may only be established and conducted at a location for which such use is authorized under the Planning and Development Code.

Nothing in this chapter is intended to allow an applicant to operate a business for which a permit is required under this chapter in a location, building or structure that does not comply with the requirements of the Planning and Development Code, building code, or other local, state or federal regulations or laws.

SECTION 10.

A. Subsection B of section 5.88.070 of the Sacramento City Code is amended to read as follows:

B. The provisions of chapter 3.72 relating to outdoor sidewalk cafés notwithstanding, an application for a revocable permit under this section shall be submitted to the Old Sacramento management office, and shall be accompanied by a nonrefundable application fee set by resolution of the city council. At the director’s discretion, the permit may be renewed annually upon payment of a renewal fee set by resolution of the city council.

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 11.

A. The introductory paragraph of section 5.88.200 of the Sacramento City Code is amended to read as follows:

5.88.200 Certain activities or businesses excepted.

The prohibition of section 5.88.190 of this chapter shall not apply to the following activities or businesses, when conducted in a zone where such sale or display is permitted as a matter of right pursuant to the city's Planning and Development Code:

B. Except as specifically amended by subsection A, above, all provisions of section 5.88.200 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 12.

A. Section 5.108.020 of the Sacramento City Code is amended as follows:

1. The definition of special permit is repealed.
2. A new definition for conditional use permit is added to read as follows:

“Conditional use permit” means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a public dance, entertainment establishment, or amusement premises.

B. Except as specifically amended by subsection A, above, all provisions of section 5.108.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 13.

A. Subsection A.3 of section 5.124.090 of the Sacramento City Code is amended to read as follows:

3. The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city Planning and Development Code, or any other local, state, or federal law or regulation applicable to the permittee's activities, or has committed a crime of moral turpitude.

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 14.

A. Subsection A.1 of section 5.124.170 of the Sacramento City Code is amended to read as follows:

The permittee has failed to comply with any applicable provision of this chapter, any other provisions of this code or the city’s Planning and Development Code, or any other local, state or federal law or regulations applicable to the establishment’s activities, or the permittee has committed a crime of moral turpitude;

B. Except as specifically amended by subsection A, above, all provisions of section 5.124.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 15.

A. Section 5.150.020 of the Sacramento City Code is amended as follows:

1. The definition of “special permit” is repealed.
2. A new definition for “conditional use permit” is added to read as follows:

“Conditional use permit” means any conditional use permit issued by the city pursuant to the Planning and Development Code related to the operation of a medical marijuana dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 16.

A. Subsection N of section 5.150.130 of the Sacramento City Code is amended to read as follows:

N. Indemnification. Every application filed or permit issued under this chapter shall contain a term or condition requiring the dispensary, through its management members, to execute an agreement in a form approved by the city attorney whereby the dispensary: (1) releases the city, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from: (a) any repeal or amendment of this chapter and/or the Planning and development Code relating to medical marijuana dispensaries, or (b) any arrest or prosecution of the dispensary or its management members, employees, or members for violation of state or federal laws; and (2) defends, indemnifies and holds harmless the city and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the distribution of medical marijuana provided at the dispensary.

B. Except as specifically amended by subsection A, above, all provisions of section 5.150.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 17.

A. Subsection D of section 8.04.080 of the Sacramento City Code is amended to read as follows:

D. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this title shall be 30 days from service of a notice of violation relating to the violation of the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 18.

A. Subsection H of section 8.04.100 of the Sacramento City Code is amended to read as follows:

H. Any condition in violation of the Planning and Development Code, set forth in Title 17 of this code;

B. Except as specifically amended by subsection A, above, all provisions of section 8.04.100 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 19. Section 8.68.170 of the Sacramento City Code is amended to read as follows:

8.68.170 Deviation from the sound limits, time limits and place of sound measurement requirements of Section 8.68.160—Planning and design commission approval.

In addition to the special condition permits authorized by section 8.68.250 and the variances authorized by section 8.68.260 of this chapter, the operator of any outdoor activity may seek approval to deviate from any or all of the following: (a) the maximum sound limits, (b) the time limits, or (c) the requirement for the place of sound measurement as set forth in section 8.68.160, on the grounds that due to the nature or design of the operator's facility or its location, it is capable of handling a higher sound level or amplified sound ending at a later time without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur. As part of the application, the applicant shall submit a report of the sound-related characteristics of the facility prepared by an acoustical engineer, and shall pay an application fee set by resolution of the city council.

A. Applications Filed after July 1, 1995. Applications filed after July 1, 1995 shall be heard and decided pursuant to the following procedures:

1. Applications. An application to deviate from the foregoing requirements of section 8.68.160 which is filed after July 1, 1995 shall be heard and decided by the planning and design commission, and shall be subject to the general requirements applicable to applications for planning and design commission conditional use permits as set forth in chapter 17.808.

2. Hearing Procedure. A public hearing shall be held by the planning and design commission. Notice of the public hearing shall be given in the same manner as notice is given of a hearing on a planning and design commission conditional use permit. Notice of the hearing shall also be given by publication in at least one newspaper of general circulation at least ten days prior to the date of the hearing.

3. Approval. The planning and design commission may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if it finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The planning and design commission may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare as it relates to noise. The planning and design commission shall adopt findings and render its decision in the same manner that it decides applications for special permits.

4. Appeal. Any person dissatisfied with the decision of the planning and design commission on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of section 8.68.160 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten days of the date of the planning and design commission decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal in at least one newspaper of general circulation at least seven days prior to the hearing and by sending written notice by mail to appellant(s) and the applicant at least seven days prior to the date of the hearing of the appeal.

5. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of section 8.68.160 shall be subject to modification or revocation by the planning and design commission in the same manner as a special permit pursuant to the provisions of Chapter 17.808.

B. Applications Filed on or Before July 1, 1995. An application to deviate from the requirements of section 8.68.160 filed on or before July 1, 1995 shall be heard and decided by the city manager pursuant to the following procedures:

1. Procedure. No public hearing by the city manager shall be required. The city manager may approve an application to deviate from the maximum sound limit, time limits, or place of sound measurement requirements if the manager finds that, due to the nature, design or location of the operator's facility, it is capable of handling a higher sound level or an amplified sound ending at a later time or having the sound measured at a different location without substantially increasing the likelihood that violations of any other standards set forth in this chapter will occur and that approval of the application will not be detrimental to the public health, safety or welfare as it relates to noise. The city manager may impose such conditions as may be necessary to carry out the intent and purpose of this chapter and to protect the public health, safety or welfare as it relates to noise.

2. Notice. After the city manager's decision on the application, the city manager shall provide written notice by mail to all owners of real property shown on the latest equalized assessment roll within a radius of 300 feet of the real property which is the subject of the application. In lieu of the assessment roll, the city manager may utilize records of the county assessor or tax collector which contains more recent information than the assessment roll. The notice shall advise the owners of the nature of the deviation sought and the decision of the city manager and of the owner's right to appeal the decision of the city manager to the city council within ten days of the date of the notice. The city manager shall also publish notice of the decision in at least one newspaper of general circulation.

3. Appeal. Any person dissatisfied with the decision of the city manager on an application to deviate from the maximum sound limit, time limits or place of sound measurement requirements of section 8.68.160 may appeal that decision to the city council by filing a notice of appeal with the city clerk pursuant to section 1.24.010. Any appeal shall be filed within ten days of the date of the city manager's decision. The city clerk shall thereafter notice the matter for hearing before the city council by publishing notice of the hearing on the appeal in at least one newspaper of general circulation at least seven days prior to the hearing and by sending written notice by mail to appellant(s) and the applicant at least seven days prior to the date of the hearing of the appeal.

4. Modification or Revocation of Approval of Deviation. An approval to deviate from the requirements of section 8.68.160 shall be subject to modification or revocation by the planning and design commission in the same manner as a special permit pursuant to the provisions of chapter 17.808.

SECTION 20.

A. Subsection B of section 8.68.260 of the Sacramento City Code is amended to read as follows:

B. Except as provided in subsections C and D of this section, relating to required findings, terms and conditions of granting a variance, and factors to take into consideration, the application for a variance under this section shall be accepted and processed and a decision on the application shall be made in the same manner and subject to the same procedures and requirements as a zoning administrator variance under section 17.808.210.

B. Except as specifically amended by subsection A, above, all provisions of section 8.68.260 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 21. Section 8.68.270 of the Sacramento City Code is amended to read as follows:

8.68.270 Appeals.

The decision of the zoning administrator on a variance under this chapter shall be subject to appeal as provided in chapter 17.812.

SECTION 22.

A. Subsection C of section 8.96.070 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.96.070 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 23. Section 8.100.040 of the Sacramento City Code is amended to read as follows:

**8.100.040 Additions to, alterations or repairs of existing buildings and structures—
Additions to, alterations or repairs of listed historic resources, and applicability of
California Historical Building Code.**

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed historic resource as defined in chapter 17.604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historical Building Code.

SECTION 24. Section 8.100.050 of the Sacramento City Code is amended to read as follows:

8.100.050 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of the chapter; provided that if the building or structure to be moved or relocated is a listed historic resource as defined in chapter 17.604 or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historical Building Code.

SECTION 25.

A. Subsection C of section 8.100.170 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct

the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this chapter shall be 30 days from service of a notice and order issued pursuant to this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 8.100.170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 26. Section 9.32.140 of the Sacramento City Code is amended to read as follows:

9.32.140 Firearms—Use for certain purposes.

The provisions of the preceding section as to the use of firearms shall not apply to peace officers in the discharge of their official duties and using reasonable care, nor to persons using firearms in necessary self-defense, or in a careful manner for the purpose of destroying noxious animals upon land owned or occupied by them, nor to persons using the Sacramento Trap Shooting Range in Del Paso Park, nor to persons using the Mangan Rifle and Pistol Range, nor to persons using the shooting ranges at the California Army National Guard armories at 1013-58th Street, 3250 Meadowview Road, and 440 Arden Way, nor to gun/rifle ranges authorized and established pursuant to the Planning and Development Code, nor to persons lawfully using such gun/rifle ranges.

SECTION 27. Section 9.44.330 of the Sacramento City Code is amended to read as follows:

9.44.330 Keeping of beehives.

It is unlawful to permanently keep, have or ranch more than two beehives on a single parcel of property within the city, unless such parcel of property is zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city, or unless such keeping, harboring, or maintaining of hives would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code; provided, however, that nothing in this section shall be deemed to authorize anyone to keep, harbor or maintain any such hives in violation of any other applicable law.

SECTION 28.

A. Subsection B of section 9.44.340 of the Sacramento City Code is amended to read as follows:

B. Subsection A of this section shall not apply:

1. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

2. Where such keeping, harboring, or maintaining of such animals would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code of the city.

3. To the keeping, harboring, or maintaining of no more than a total of ten (10) such animals, each weighing no more than two hundred fifty (250) pounds, if the parcel on which they are kept is owned by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code and is ten (10) acres or larger in size, if the animals are confined to an enclosure which complies with Section 9.44.360 of this chapter except when adequately tethered elsewhere on the property, and if the animals are an integral part of a therapeutic program offered by the organization and supervised by a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family and child counselor.

B. Except as specifically amended by subsections A, above, all provisions of section 9.44.340 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 29.

A. Section 9.44.370 of the Sacramento City Code is amended to read as follows:

9.44.370 Number of dogs, swine or cats per dwelling unit.

A. It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than three dogs or three swine permitted by section 9.44.320 of this chapter, or any combination thereof exceeding three animals, each of which is over the age of four months, unless the owner is duly authorized to operate a kennel under the Planning and Development Code.

B. It is unlawful for any person or group of persons to keep, harbor or maintain in or about any dwelling unit, or yard area adjacent thereto, more than seven cats, each of which is over the age of eight weeks.

C. For the purposes of this section the term “dwelling unit” shall be defined in the same manner as such term is defined in the Planning and Development Code.

SECTION 30.

A. Subsection A.3 of section 9.44.860 of the Sacramento City Code is amended to read as follows:

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of “dwelling unit” in section 17.108.050 shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

B. Except as specifically amended by subsection A, above, all provisions of section 9.44.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 31. Section 9.44.900 of the Sacramento City Code is amended to read as follows:

9.44.900 Exceptions to restrictions.

This article shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the Planning and Development Code or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the Planning and Development Code.

SECTION 32.

A. Section 10.44.020 of the Sacramento City Code is amended as follows:

1. Subsection D.5 is amended to read as follows:

5. In the C-1 (limited commercial) zone adjacent to residentially zoned lots or residential uses, the vehicle shall be parked at least 25 feet from the front yard property line and 25 feet from the side yard property line. On other C-1 property, the vehicle shall not be parked in the setback required by the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. The planning director may issue a planning director's conditional use permit to allow the parking of one commercial vehicle weighing 10,000 pounds or more on a parcel which does not meet all of the conditions set forth in subsection D of this section in accordance with the procedure set forth in chapter 17.808.

B. Except as specifically amended by subsection A, above, all provisions of section 10.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 33. Section 12.24.030 of the Sacramento City Code is amended to read as follows:

12.24.030 Certain uses of sidewalks permitted.

Except as otherwise provided in sections 5.88.010 through 5.88.070, chapter 12.44 and the Planning and Development Code, no person shall use any portion of the sidewalks of the city for any purpose whatsoever, except for sidewalk purposes or for such purposes as may otherwise be provided by this title; provided, however, that merchants or persons having occasion to receive or deliver goods may use the sidewalk in front of the premises occupied by them for the purpose of

receiving or delivering such goods, and provided, further, that space on the sidewalk at least six feet in width shall at all times be kept clear for the accommodation of pedestrians.

SECTION 34.

A. Subsection B.2 of section 12.52.030 of the Sacramento City Code is amended to read as follows:

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive Planning and Development Code or other laws, ordinances, and regulations.

B. Except as specifically amended by subsection A, above, all provisions of section 12.52.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 35.

A. Subsection D of section 12.56.110 of the Sacramento City Code is amended to read as follows:

D. In connection with the relocation of a listed historic resource as defined in chapter 17.604, the director shall give greater consideration to the removal of street trees if there is no alternative way to preserve the structure. Factors to be considered by the director include the historical significance of the structure, whether it could be preserved in its present location, the condition, size, and species of the trees to be removed, and other related factors.

B. Except as specifically amended by subsection A, above, all provisions of section 12.56.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 36.

A. Subsection C.1 of section 12.64.050 of the Sacramento City Code is amended to read as follows:

1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by conditional use permit under the city Planning and Development Code for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property and there

are no reasonable alternative means to mitigate the damage or threatened damage while minimizing the impact on the tree. Reasonable alternative means of mitigation include, but are not limited to, cutting tree roots, trimming the tree canopy, or installing a root barrier. Removing, relocating, or in any way altering any main structure on the owner's property shall not be considered a reasonable alternative means of mitigation; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;

B. Except as specifically amended by subsection A, above, all provisions of section 12.64.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 37. Section 12.84.050 of the Sacramento City Code is amended to read as follows:

12.84.050 Dropping objects from planes.

It is unlawful for any person to cause to be dropped or permit to be dropped from any aircraft or anything attached thereto any articles or objects, unless special waiver has been issued by the Federal Aviation Administration and a special permit issued by the city manager or his or her duly authorized representative.

SECTION 38. Section 13.04.075 of the Sacramento City Code is amended to read as follows:

13.04.075 Water service for community gardens.

The director may authorize lots or parcels utilized for a community garden, as defined in section 17. 108.040 of this code, to use the existing water service connection of an adjoining lot or parcel to provide irrigation for the community garden if the owner of the adjoining lot or parcel consents to such use, provided that:

A. A backflow prevention device is installed and periodically tested in accordance with such requirements as may be specified by the director to protect the potable water supply of the city and of the adjoining lot or parcel served by the existing water service connection; and

B. A water meter is installed on the existing water service connection. The owner of the adjoining lot or parcel served by the existing water service connection shall notify the director prior to the initiation of any such use, and shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection used to provide irrigation for the community garden.

SECTION 39.

A. Subsection C of section 15.04.060 of the Sacramento City Code is amended to read as follows:

C. Reasonable Period to Correct Violations. No administrative penalty shall be imposed for violations of city building, plumbing, electrical, or structural codes or provisions of the Planning and Development Code unless the owner has been provided a reasonable period of time to correct the violation before imposition of the penalty, except in those cases in which there is an immediate danger to health or safety. The reasonable period for purposes of this title shall be 30 days from service of any notice issued pursuant to this title.

B. Except as specifically amended by subsection A, above, all provisions of section 15.04.060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 40. Section 15.08.080 of the Sacramento City Code is amended to read as follows:

15.08.080 Work without permits—Additional fee for work done without a permit.

Where work for which a permit is required is commenced prior to the obtaining of the required permit(s), the chief building official shall charge up to four times all applicable plan review and permit (inspection) fees related to the required permit(s), including, but not limited to, building permits, sign permits and demolition permits. The payment of the increased fee(s) shall not relieve any person from fully complying with the requirements of this code, other codes adopted by the city, or the requirements of the Planning and Development Code. Failure to comply with the provisions of this chapter may also subject the violator to any other penalties, sanctions or remedies provided elsewhere in this code.

SECTION 41.

A. Section 15.44.020 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

B. No demolition permit shall be approved for demolition of a historic resource as defined in chapter 17.108, except pursuant to the provisions of chapter 17. 604.

2. Subsection C is amended to read as follows:

C. No demolition permit shall be issued for demolition of a building which is adjacent to a historic resource as defined in chapter 17.108 and which the building official has determined is structurally connected to the historic resource so that the demolition of the adjacent structures presents the potential for substantial damage to, or collapse or demolition of, the historic resource until the building official has consulted with, or made

reasonable efforts to consult with, the preservation director and the chairperson of the preservation commission. Prior to issuance of any demolition permit, the building official may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the building official deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent historic resource and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent historic resource. The building official shall require such a report unless he or she determines that the proposed method of demolition will protect adequately the adjacent historic resource. The building official shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the historic resource. Nothing in this section is intended to affect or interfere with the authority of the building official to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 8.96.120.

B. Except as specifically amended by subsection A, above, all provisions of section 15.44.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 42.

A. Section 15.48.010 of the Sacramento City Code is amended as follows:

1. Subsection C is amended to read as follows:

C. Applications to relocate a landmark or contributing resource, including accessory buildings and structures; applications to relocate a building or structure to the site of an existing landmark, contributing resource, non-contributing resource, or to a vacant lot in a historic district; and applications to relocate a building or structure 50 years old or older shall be subject to the requirements of the Planning and development Code in addition to the requirements of this chapter.

2. Subsection D is amended to read as follows:

D. Applications to relocate any building or structure that is not subject to review under chapter 17. 604 shall be subject to site plan and design review under the Planning and Development Code in addition to the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 15.48.010 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 43. Section 15.52.020 of the Sacramento City Code is amended to read as follows:

15.52.020 Applicability of chapter.

This chapter shall apply to any structure or any portion of a structure which is designed and used, or is designed and formerly used for commercial uses (as such uses are defined by the Planning and Development Code of the city) which remains vacant and unoccupied for a period in excess of 45 days. This chapter shall also apply to any building or any portion of a building which is designed and used or is designed and formerly used for residential purposes which remains vacant and unoccupied for a period in excess of ten days. The incidental use of any vacant structure for storage purposes shall not be deemed to exempt it from the provisions of this chapter.

SECTION 44. Section 15.72.010 of the Sacramento City Code is amended to read as follows:

15.72.010 Definitions.

As used in this chapter only, the following terms shall have the definitions shown:

“Commercial structure” means and includes only a structure no part of which is used for housing.

“Encroachment” means and includes any part of a commercial structure proposed to be located under, over or upon public property or a public right-of-way.

“Central City” means that area defined by the same term in the Planning and Development Code of the city.

“Public benefit” means that the public gains a substantial benefit from a proposed structure, including, without limitation, shelter from direct sunlight or from inclement weather.

SECTION 45. Section 15.72.020 of the Sacramento City Code is amended to read as follows:

15.72.020 Variance.

In the Central City area only, subject to the other provisions of this chapter, the council may grant for an encroachment by a commercial structure a variance from the requirements of this title; provided, however, such variance shall be granted only where such encroachment will produce a substantial public benefit when balanced against any detriment which the proposed encroachment may cause.

SECTION 46.

A. Subsection A of section 15.88.090 of the Sacramento City Code is amended to read as follows:

A. No grading shall be approved unless the project conforms to the city’s general plan, any adopted specific or community plans, and applicable city ordinances, including the Planning and Development Code and the subdivision ordinance.

B. Except as specifically amended in subsection A, above, all provisions of section 15.88.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 47.

A. Subsection B of section 15.92.040 of the Sacramento City Code is amended to read as follows:

B. This chapter shall not be applied so as to modify landscaping requirements set forth as a condition on a conditional use permit or other land use entitlement.

B. Except as specifically amended in subsection A, above, all provisions of section 15.92.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 48. Section 15.120.040 of the Sacramento City Code is amended to read as follows:

15.120.040 General definitions.

As used in this chapter only, the following terms shall have the definitions shown:

“Contractor of a federal agency” means any person, association or corporation which has entered into a contract or agreement with a federal agency in connection with the planning, design, development, management or disposition of experimental or prototype housing at a project site within the city which has been designated for residential experimental housing in accordance with this chapter.

“Federal agency” means a department or agency of the federal government.

“Variance” as used in connection with the provisions of Articles IV and V of this chapter means and include both variances from the regulations of the Planning and Development Code and conditional use permits which vary the regulations of such ordinances.

SECTION 49. Section 15.120.110 of the Sacramento City Code is amended to read as follows:

15.120.110 Zoning classification.

The “XH experimental residential housing” designation does not establish a zoning classification. If the project requires rezoning of the property to accomplish its purposes, the council shall adopt a resolution rezoning the property to the appropriate zone at the same time that it adopts the resolution of designation. The appropriate zone shall be the zone contained within the Planning and Development Code which most nearly corresponds with the proposed land usage set forth in the general schematic plan. A copy of such plan shall be submitted with the application for the experimental housing designation.

SECTION 50. Section 15.120.120 of the Sacramento City Code is amended to read as follows:

15.120.120 Procedure for rezoning.

No public hearing before the council or planning and design commission shall be required prior to the adoption of a resolution rezoning the project. No procedural requirements of the Planning and Development Code shall be applicable to such rezonings.

SECTION 51. Section 15.120.130 of the Sacramento City Code is amended to read as follows:

15.120.130 Development standards.

The development standards for the project site shall be those described in the plans approved by the federal agency for the development and construction of the project. If such standards conflict with any or all of the regulations contained within the Planning and Development Code, the planning director shall have the authority and obligation to grant variances from those regulations in the manner prescribed in Article V of this chapter.

SECTION 52. Section 15.120.140 of the Sacramento City Code is amended to read as follows:

15.120.140 Application of zoning ordinance.

All provisions of the Planning and Development Code shall be applicable to property within the project site except to the extent that such provisions have been waived, modified or altered by the granting of a variance granted by the planning director under the procedures prescribed in Article V of this chapter.

SECTION 53. Section 15.120.180 of the Sacramento City Code is amended to read as follows:

15.120.180 Variances—Application.

At any time following review of the development plans by the planning director, the federal agency or its contractors may make application to the planning director for variances from any and all provisions of the Planning and Development Code when the granting of such variances is necessary to permit the construction, alteration, occupancy, or disposal for intended uses of experimental residential housing and related uses which are described in the development plans.

SECTION 54. Section 15.120.190 of the Sacramento City Code is amended to read as follows:

15.120.190 Variances—Granting.

The requested variances shall be summarily granted by the planning director without necessity of public hearing. No provision of the Planning and Development Code shall be applicable to the granting of such variances.

SECTION 55. Section 15.120.200 of the Sacramento City Code is amended to read as follows:

15.120.200 Modification of development plans—Additional variances.

If at any time following the review of the development plans by the planning director, minor modifications are made to such plans, the planning director may summarily grant such variances from the regulations of the Planning and Development Code as are necessary to accommodate such modifications. The procedure for granting such variances shall be that set forth in section 15.120.190. If major modifications are made to the development plans, the modified development plans shall be resubmitted to the planning director for review and comment in accordance with the procedure set forth in section 15.120.170.

SECTION 56. Section 15.144.120 of the Sacramento City Code is amended to read as follows:

15.144.120 Application of article.

The provisions of this article shall be applicable to the use, erection and maintenance of a tent or other canvas-covered structures for any of those temporary land uses of a noncommercial nature for which a special use permit would be required under the Planning and Development Code. A temporary land use is a land use of less than 60 continuous days, and less than 90 days total in any 12 month period. Where this chapter is applicable, it shall supersede the provision of the Planning and Development Code.

SECTION 57. Section 15.148.010 of the Sacramento City Code is amended to read as follows:

15.148.010 Purpose.

The purpose of the sign regulations set forth in this chapter shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the Planning and Development Code; and to promote the public health, safety and general welfare.

SECTION 58. Section 15.148.100 of the Sacramento City Code is amended to read as follows:

15.148.100 Regulations established.

The regulations in this article are adopted governing the number, size, type, location, subject matter and other provisions relating to signs within the various zones of the city as the zones are established and designated by the Planning and Development Code. No signs shall be allowed in these zones unless exempt under this article or expressly permitted by this article, or unless such signs comply with the regulations established in Article IX of this chapter relating to legal nonconforming uses.

SECTION 59.

A. Section 15.148.110 of the Sacramento City Code is amended as follows:

1. Subsection D.1 is amended to read as follows:

1. For multi-family uses, one project identification sign is permitted at each major entrance into the development. No more than one project identification sign is permitted per street frontage. For corner lots, a project identification sign may be substituted from a street front-age and placed within the landscaped setback area at the street corner. Placement of said corner project identification sign shall adhere to the visibility requirements for corner lots in the Planning and Development Code.

2. Subsection F is amended to read as follows:

F. All illuminated signs in the residential zones, including bulletin boards, shall be indirectly illuminated. Directly illuminated signs are allowed subject to approval of a zoning administrator's conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 60.

A. Subsection C of section 15.148.120 of the Sacramento City Code is amended to read as follows:

C. All signs shall conform to building setback requirements specified by the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.120 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 61.

A. Subsection D of section 15.148.130 of the Sacramento City Code is amended to read as follows:

D. A conditional use permit may be granted to permit signage in excess of that allowed by this section for facilities which regularly provide emergency medical care.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 62.

A. Subsection E.7.g of section 15.148.190 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808:

i. Signs not located in the "upper signage area," as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

Except as provided in subsection (E)(7)(g) of this section, attached signs consistent with this section shall be subject to administrative permit issuance procedure.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.190 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 63.

A. Subsection E.7.g of section 15.148.193 of the Sacramento City Code is amended to read as follows:

g. If not specifically approved as part of the design approval for the building, the following types of signs shall require a zoning administrator’s conditional use permit pursuant to chapter 17.808:

i. Signs not located in the “upper signage area,” as defined in subsection (E)(7)(e) of this section.

ii. Signs which use construction materials other than marble, granite, ceramic tile or individual solid metal letters pursuant to subsection (E)(7)(c) of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.193 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 64.

A. Subsection A of section 15.148.270 of the Sacramento City Code is amended to read as follows:

A. All illuminated signs in the A and R zones shall be indirectly illuminated. Directly illuminated signs are allowed in the A and R zones subject to approval of a zoning administrator’s conditional use permit.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.270 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 65. Section 15.148.290 of the Sacramento City Code is amended to read as follows:

15.148.290 Conditional use permit required—Rotating signs.

Notwithstanding the provisions of Section 15.148.650 of this chapter, a conditional use permit for a rotating sign may be granted by the planning and design commission, following application and public hearing.

SECTION 66. Section 15.148.300 is amended to read as follows:

15.148.300 Conditional use permit required—Roof signs.

Notwithstanding the provisions of Section 15.148.670 of this chapter, a special permit conditional use permit for a roof sign may be granted by the planning and design commission, following application and public hearing.

SECTION 67. Section 15.148.450 of the Sacramento City Code is amended to read as follows:

15.148.450 Signs to be designed as integrated architectural features.

In order to encourage and promote a harmonious relationship between buildings and signs, the planning and design commission shall have the authority to issue a conditional use permit in accordance with Article XIV of this chapter, for signs which are designed into and are a part of an integrated architectural feature of a building where the strict application of the provisions of this article would otherwise prohibit such signs.

SECTION 68. Section 15.148.780 of the Sacramento City Code is amended to read as follows:

15.148.780 Signs for legal nonconforming uses.

Subject to the provisions of this section, signs for a legal nonconforming use as defined in the Planning and Development Code of the city are permitted. Signs for a legal nonconforming use shall be deemed to comply with the provisions of this article if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as an allowed use. Such signs shall be permitted only so long as the nonconforming use is permitted. Any such sign legally existing on the effective date of this article but which does not comply with the regulations of this article shall be deemed to be a nonconforming sign under the provisions of this chapter and shall be subject to alteration or removal in accordance with the provisions of Section 15.148.790 of this article. Notwithstanding any provision to the contrary herein, no new or additional detached sign after the effective date of this chapter for a nonconforming use shall be permitted. The owner of the property on which the sign is located shall have the primary responsibility for removing the signs required to be removed or altered under this article.

SECTION 69. Section 15.148.810 of the Sacramento City Code is amended to read as follows:

Any sign which becomes nonconforming subsequent to the effective date of this article, either by reason of annexation to the city of the territory upon which the sign is located, or the amendment of this article, the Planning and Development Code, or other provision of this code so as to render such sign nonconforming shall be subject to the provisions of this article. The period within which such sign must be removed shall commence to run upon the effective date of the annexation, amendment or the date upon which the sign otherwise becomes nonconforming.

SECTION 70.

A. Subsection D of section 15.148.815 of the Sacramento City Code is amended to read as follows:

D. Relocation agreements shall be approved by the city council. Applications for relocation agreements shall be noticed and heard before the planning and design commission and city council in the same manner as applications for city council approved conditional use permits are noticed and heard pursuant to Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.815 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 71.

A. Subsection C.4.e of section 15.148.860 of the Sacramento City Code is amended to read as follows:

e. Review and Approval. Proposed signs shall require a zoning administrator's conditional use permit pursuant to chapter 17.808 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.860 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 72. Section 15.148.870 of the Sacramento City Code is amended to read as follows:

15.148.870 Neighborhood identification signs.

In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification provided a conditional use permit has been granted by the zoning administrator. The legend of such a sign or display shall consist only of the neighborhood or tract name.

SECTION 73. Section 15.148.880 of the Sacramento City Code is amended to read as follows:

15.148.880 Subdivision development signs.

A. On-site marketing signs in any zone in connection with the marketing of lots or structures in a subdivision require zoning administrator review in conjunction with the review of the model home complex/temporary sales office permit. A sign is considered an on-site marketing sign if it is located within the boundaries of the subdivision being marketed. On-site marketing signs are subject to the following conditions:

1. Such signs are allowed for a period not exceeding two years. The zoning administrator may renew the permit for additional one-year periods upon written application at least 30 days prior to expiration.

2. Subdivision identification signs shall be limited to signs which shall not exceed eight feet in height, eight feet by four feet in dimension and 32 square feet in area.

3. Individual unit identification signs shall be limited to one square foot in size and two feet in height.

4. Signs may be located within the required setback areas; however, in no case shall signs be located closer than ten feet to any public right-of-ways and driveways. B. Off-site marketing signs require a zoning administrator's conditional use permit in any zone in connection with the marketing of lots or structures in a subdivision. A sign is considered an off-site marketing sign if it is located outside the boundaries of the subdivision it is marketing. Off-site marketing signs are subject to the following conditions:

1. Individual directional marketing signs shall not exceed four feet by eight feet in dimension, 32 square feet in area, eight feet in height, and shall be located outside on any setback imposed under the city Planning and Development Code for the zoning district in which the property is located.

2. The entire off-site signage program for subdivision shall be reviewed and approved in one application. No additional requests may be submitted.

3. Multi-faced regional subdivision signs shall be limited to 15 feet in height, shall contain no more than four panels, with a maximum of four feet by eight feet in size 32 square feet in area) per panel. The overall sign area shall not exceed eight feet by 18 feet (144 square feet). Signs shall be located outside the setback of the zoning district in which it is located.

4. Such permits shall be issued for a period of two years. The zoning administrator may renew such permits for an additional year upon written application at least 30 days prior to its expiration.

SECTION 74.

A. Section 15.148.1060 of the Sacramento City Code is amended as follows:

1. Subsection B is amended to read as follows:

B. Except to the extent that the terms of this article conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this article shall be governed by the provisions of chapter 17.812.

2. Subsection C is amended to read as follows:

C. Written notice of the hearing shall be given as specified in chapter 17.812 of this code.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1060 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 75. Section 15.148.1070 of the Sacramento City Code is amended to read as follows:

15.148.1070 Authority for conditional use permits.

Where a conditional use permit is required by this article, such permit may be granted at the discretion of the planning and design commission. It is not an automatic right of any applicant. The commission shall consider all the factors relating to the proposed sign and whether such sign will adversely affect the public health, safety and welfare and whether the application complies with the statements contained in Section 15.148.010 relating to the purpose of this chapter.

SECTION 76. Section 15.148.1080 of the Sacramento City Code is amended to read as follows:

15.148.1080 Delegation to zoning administrator.

The planning and design commission, by resolution, may delegate its authority to issue conditional use permits for signs to the zoning administrator; provided however, that the applicant may appeal any decision of the zoning administrator to the planning and design commission as provided in Section 15.148.1120 of this chapter.

The zoning administrator may at his or her discretion, schedule for hearing by the planning and design commission any application for conditional use permit under his or her authority.

SECTION 77. Section 15.148.1090 of the Sacramento City Code is amended to read as follows:

15.148.1090 Application.

Application for a conditional use permit for a sign shall be made on forms prescribed by the planning and design commission and shall be accompanied by statements, plans and other related material as may be deemed necessary to carry out the intent and purpose of this chapter.

SECTION 78. Section 15.148.1100 of the Sacramento City Code is amended to read as follows:

15.148.1100 Fee.

Whenever a public hearing by the planning and design commission or zoning administrator is required for a conditional use permit, there shall be a filing fee as established in the city fee and charge report to be paid at the time the application is filed.

SECTION 79. Section 15.148.1110 of the Sacramento City Code is amended to read as follows:

15.148.1110 Hearing.

A. A conditional use permit application shall be considered at a public hearing by the zoning administrator or planning and design commission. The zoning administrator or planning and design commission may attach conditions to the granting of any conditional use permit when in its judgment, such conditions are necessary or desirable to accomplish the purpose of this chapter.

B. Except to the extent that the terms of this chapter conflict therewith the procedural requirements for any hearing before the zoning administrator, planning and design commission and city council required by the provisions of this chapter shall be governed by the provisions of chapter 17.812.

C. Written notice of the hearing shall be given as specified in chapter 17.812.

SECTION 80.

A. Subsection A of section 15.148.1120 of the Sacramento City Code is amended to read as follows:

A. Any person aggrieved or dissatisfied with the action of the zoning administrator on a request for a variance, conditional use permit, or other action resulting from the administration of this chapter may appeal therefrom the planning and design commission within ten days after a decision has been made by the zoning administrator.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1120 of the Sacramento City Code remain unchanged and in full force and effect

SECTION 81.

A. Subsection A of section 15.148.1130 of the Sacramento City Code is amended to read as follows:

A. Any person aggrieved or dissatisfied with any action of the planning and design commission on a variance, conditional use permit or any other planning and design commission

action or permit under this chapter, may appeal therefrom to the city council at any time within ten days after rendition of the decision of the planning and design commission; provided that, except as otherwise expressly allowed herein, no appeal of a planning and design commission decision on an appeal of a zoning administrator's decision shall be allowed.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1130 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 82. Section 15.148.1150 of the Sacramento City Code is amended to read as follows:

15.148.1150 Hearing procedure.

To the extent that the provisions of this chapter are not inconsistent therewith, the procedural requirements of chapter 17.812 of this code govern any hearing required by this chapter.

SECTION 83.

A. Section 15.148.1170 of the Sacramento City Code is amended as follows:

1. The definition of "R Zone" is amended to read as follows:

"R zone" means an R-1, R-1A, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-5, RMX, and RO zone as defined in the Planning and Development Code.

2. The definition of "setback area" is amended to read as follows:

"Setback area" means the open space area defined in Planning and Development Code under the term yard, and, where applicable, includes the definitions of yard, rear; yard, front; and yard, side; as defined.

B. Except as specifically amended by subsection A, above, all provisions of section 15.148.1170 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 84.

A. Subsection B.3 of section 15.156.020 of the Sacramento City Code is amended to read as follows:

3. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury, except as permitted by the Planning and Development Code

B. Except as specifically amended by subsection A, above, all provisions of section 15.156.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 85. Section 16.04.020 of the Sacramento City Code is amended to read as follows:

16.04.020 Relationship to general plan and other city land use regulations.

The regulations established by this title are designed to assist in the systematic implementation of the general plan, specific and community plans, the Planning and Development Code, and other land use regulations, and to provide for public needs, health and safety, convenience, and general welfare.

Neither the approval nor conditional approval of the tentative map shall constitute or waive compliance with any other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the city code or other applicable ordinances or regulations adopted by the city. Nothing in these regulations shall be construed to permit the premature or haphazard subdivision of lands in violation of the applicable zoning and land use regulations.

SECTION 86.

A. Section 16.04.040 of the Sacramento City Code is amended as follows:

The definition of “zoning ordinance” is repealed.

B. Except as specifically amended by subsection A, above, all provisions of section 16.04.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 87.

A. Subsection C of section 16.16.040 of the Sacramento City Code is amended to read as follows:

C. That the resulting parcels conform to the requirements of the city’s general plan, building code, and the city’s Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.16.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 88.

A. Subsection B of section 16.20.050 of the Sacramento City Code is amended to read as follows:

B. That the resulting parcel conforms to the requirements of this title, the city's general plan, the Planning and Development Code, and the city's building code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.20.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 89.

A. Subsection B.3 of section 16.24.030 is amended to read as follows:

3. Planning and Development Code;

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 90.

A. Subsection C.7 of section 16.24.040 of the Sacramento City Code is amended to read as follows:

7. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to chapter 17.716. The planning director or designated representative may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the advisory agency and city council to extend the time limits specified in the subdivision map act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.040 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 91.

A. Subsection A.1 of section 16.24.090 of the Sacramento City Code is amended to read as follows:

1. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for four or fewer parcels, other than a vesting tentative map, the planning director shall set the matter for hearing before the zoning administrator. The procedural requirements for the hearing before the zoning administrator and the contents of the hearing notice shall be governed by the provisions of chapter 17. 812. Notice of the hearing shall be given by publication, posting and mail pursuant to section 17.812.030 of this code.

Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 92.

A. Subsection A of section 16.24.095 of the Sacramento City Code is amended to read as follows:

A. Public Hearing before Planning and Design Commission—Notice. Within a reasonable period of time following consideration by the subdivision review committee of an application for a tentative map for five or more parcels, other than a vesting tentative map, the planning director shall prepare a report with recommendations, and shall set the matter for hearing before the planning and design commission. A copy of the director’s report shall be forwarded to the subdivider at least five days prior to the public hearing. The procedural requirements for the hearing before the planning and design commission and the contents of the hearing notice shall be governed by the provisions of chapter 17.812. Notice of the hearing shall be given by publication, posting and mail pursuant to section 17.812.030, except that the notice by mail required by section 17.812.030 shall be given to the owners of real property located within 500 feet of the subject real property. In addition, a proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and chapter 17.716 of this code. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 16.24.095 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 93.

A. Subsection H of section 16.28.050 of the Sacramento City Code is amended to read as follows:

H. Building setback lines, if they differ from the standard requirements established by the Planning and Development Code.

B. Except as specifically amended by subsection A, above, all provisions of section 16.28.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 94.

A. Section 16.36.050 of the Sacramento City Code is amended as follows:

1. Subsection B.14 is amended to read as follows:

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map;

2. Subsection B.15 is amended to read as follows:

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the city Planning and Development Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map;

3. Subsection C is amended to read as follows:

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, PUD designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

B. Except as specifically amended by subsection A, above, all provisions of section 16.36.050 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 95. Section 16.40.010 of the Sacramento City Code is amended to read as follows:

16.040.10 General design standards—General

A. The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, the Planning and Development Code, and other land use regulations, and shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of watercourses, size, shape, inadequate frontage, access, building area, or other physical condition. Except for lots within a planned unit development, all residentially zoned lots shall have not less than 20 feet of public street or approved private street frontage.

SECTION 96. Section 16.40.220 of the Sacramento City Code is repealed.

SECTION 97. Section 16.40.230 of the Sacramento City Code is repealed.

SECTION 98. Section 16.40.240 of the Sacramento City Code is repealed.

SECTION 99. Section 16.52.010 of the Sacramento City Code is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning and design commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning and design commission to authorize variances from the regulations and requirements of the Planning and Development Code. The subdivision review committee may recommend to the zoning administrator, planning and design commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a “modification” as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the Planning and Development Code, a separate variance or deviation under the Planning and Development Code shall not be required.

SECTION 100. Section 18.04.210 of the Sacramento City Code is amended to read as follows:

18.04.210 Appeal procedure.

Appeals involving such matters shall be presented in writing to the planning director and shall be scheduled and heard by the planning and design commission as a variance proceeding. The filing and investigation fee provided for by the Planning and Development Code shall be applicable to such hearings unless waived by the planning director. Decisions from determinations of the planning and design commission may be appealed to the council in the same manner as an appeal involving the granting or denial of a variance.

SECTION 102.

A. Subsection C of section 18.16.020 of the Sacramento City Code is amended to read as follows:

C. Except in cases covered by subsection B of this section, a development agreement shall be considered only in conjunction with a completed application for any required general and community plan amendments, rezoning, conditional use permit, subdivision map, master parcel map, or other land use entitlement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.020 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 103.

A. Subsection C of section 18.16.030 of the Sacramento City Code is amended to read as follows:

C. For purposes of these regulations, a “project” shall mean a specific proposal for rezoning or other land use entitlement for development of a parcel or combined parcels of property for which a development agreement application is submitted and may be, in connection with such application, a proposed rezoning, conditional use permit, subdivision map or other land use entitlement, or combination thereof, provided that the development agreement, if entered into for such project, may also include according to its terms all subsequent land use entitlements and all easements, dedications and public and private improvements to be installed pursuant thereto and other requirements to be imposed in connection therewith.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.030 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 104.

A. Subsection C of section 18.16.080 of the Sacramento City Code is amended to read as follows:

C. The public hearing on the development agreement, and the notice thereof, may be combined with the public hearing and notice for an application for rezoning, conditional use permit, subdivision map, or other land use entitlement pertaining to the property, in which case the notice requirements may be the same as those given for such other application, provided that such notice requirements shall comply with the provisions of subsection B of this section.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 105.

A. Subsection I of section 18.16.160 of the Sacramento City Code is amended to read as follows:

I. Termination of the agreement shall not affect any of landowner's obligations to comply with the general plan, any applicable specific or community plan, any applicable financing plan, any applicable zoning, conditional use permit, subdivision map or other land use entitlement approved with respect to the property, nor shall it affect other covenants of landowner specified in the agreement to continue after termination of the agreement.

B. Except as specifically amended by subsection A, above, all provisions of section 18.16.160 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 106.

A. Subsection A of section 18.20.090 of the Sacramento City Code is amended to read as follows:

A. No building permit, demolition permit, conditional use permit or other land use entitlement which would result in withdrawal from rent or lease of one or more residential hotel units shall be issued for a building subject to this chapter unless the city council issues a conversion certificate indicating that the owner has complied with all requirements of this chapter, or has provided satisfactory guarantees of future compliance. An owner who has demonstrated substantial and reasonable, good faith efforts within the meaning of Section 18.20.060 shall be considered to have complied with the requirements of this chapter.

B. Except as specifically amended by subsection A, above, all provisions of section 18.20.090 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 107. Section 18.20.120 of the Sacramento City Code is amended to read as follows:

18.20.120 Preservation of historic structures.

This chapter does not supersede the requirements of chapter 17.604 (Historic Preservation).

SECTION 108.

A. Subsection A of section 18.24.110 of the Sacramento City Code is amended to read as follows:

A. Except as otherwise provided in subsection (B) below, or in any measures adopted by the city council as provided under section 18.24.120 of this chapter pertaining to deferral of payment of fees, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development or, in the case of a drainage fee, at the time of their recordation of a final master parcel map, parcel map, or subdivision map, or at the time of approval of a conditional use

permit, whichever is sooner, relating to development. With respect to development projects completed or commenced as of the effective date of this chapter, the director may enter into agreements with landowners regarding the amount, time, and manner of payment of fees payable with respect to such development projects.

B. Except as specifically amended by subsection A, above, all provisions of section 18.24.110 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 109.

A. Subsection A.3 of section 18.36.080 of the Sacramento City Code is amended to read as follows:

3. The alteration or renovation of a structure in the Richards Boulevard area that is designated as a landmark or contributing resource on the Sacramento register pursuant to chapter 17. 604 of this code, as such chapter may be amended from time to time. The exemption provided by this subsection shall not apply to any expansion of such structure;

B. Except as specifically amended by subsection A, above, all provisions of section 18.36.080 of the Sacramento City Code remain unchanged and in full force and effect.

SECTION 110.

A. Subsection A.3.a of section 18.38.080 of the Sacramento City Code is amended to read as follows:

a. If, while the zoning of a parcel is the same as it was on January 10, 2012, a conditional use permit is sought for a development project authorized under the zoning designation for that parcel, then the city shall not issue building permits for construction in accordance with the conditional use permit until the regional infrastructure fee for the parcel is paid.

B. Except as specifically amended by subsection A, above, all provisions of section 18.38.080 of the Sacramento City Code remain unchanged and in full force and effect.

Adopted by the City of Sacramento City Council on September 17, 2013 by the following vote:

Ayes: Councilmembers Ashby, Fong, McCarty, Pannell, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: Councilmembers Cohn and Hansen

Attest:

Shirley Concolino Digitally signed by Shirley Concolino
DN: cn=Shirley Concolino, o=City Clerk, ou=City of
Sacramento, email=sconcolino@cityofsacramento.org, c=US
Date: 2013.09.26 20:59:00 -07'00'

Shirley Concolino, City Clerk

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